Nos. 8,587, 8,588.

IN THE

SUPREME COURT

OF THE

STATE OF CALIFORNIA

CHARLES LUX ET AL.

Appellants

vs.

JAMES B. HAGGIN ET AL.

Respondents

GENERAL INDEX

TO

Appellants' Points and Authorities
Appellants' Brief in Reply
Mr. McAllister's Oral Argument
Appellant's Brief in Reply on Rehearing

Filed June 24th 1885
J. D. McCarthy Clerk
By Frank Meyer Deputy

In the Supreme Court

OF THE

STATE OF CALIFORNIA.

CHARLES LUX ET AL.,
Appellants,

vs.

JAMES B. HAGGIN ET AL.,
Respondents.

GENERAL INDEX TO APPELLANTS' POINTS AND AUTHORITIES, BRIEF IN REPLY, MR. MCALLISTER'S ORAL ARGUMENT AND BRIEF IN REPLY ON REHEARING.

Order denying motion to strike out certain specific and affirmative defenses set up in defendants' answer.

Bill of Exception on Motion, Tr., Vol. 1, pp. 68–83;

Points and Authorities, pp. 3–32.

Errors in admitting evidence, or refusal to admit evidence against the objections made by appellants.

I. Errors in refusing to permit Tracy to testify as to whether he could have gone in a boat from Tracy's Crossing, on Buena Vista Slough, to Tulare Lake. (Tr., Vol. 2, fols. 1027–8).

Points and Authorities, p. 32.

XIV. Error in admitting in evidence copy of record of observations made at the United States Signal Service Station at Visalia. (Tr., Vol. 3, fols. 1386–1389, 1400–3, 1404–5).

Points and Authorities, p. 60.

XV. Error in admitting in evidence copy of records, weather reports kept by Mr. Sampson and others at Sumner. (Tr., Vol. 4, fol. 1268.)

Points and Authorities, p. 61.

XVI. Error in refusing to strike out testimony of Col. Mendell and Mr. Schuyler as to the amount of annual evaporation of Kern and Buena Vista Lakes. (Tr., Vol. 4, fols. 1676–7.)

Points and Authorities, p. 61.

XVII. Error in refusing to strike out celculation of Col. Mendell as to evaporation from Kern and Buena Vista Lakes. (Tr., Vol. 4, fol. 1667.)

Points and Authorities, pp. 61–2.

XVIII. Error in permitting Reading and Schuyler to answer the following question:

"Q—Through that portion of this swamp and over-
"flowed land through which you went, was there or
"was there not a continuous channel?" (Tr., Vol. 4, fols. 644–6 and 840.)

Points and Authorities, p. 62.

XIX. Error in permitting Reading to testify as to the quality of the land along Buena Vista Slough. (Tr., Vol. 4, fols. 647–653.)

Points and Authorities, p. 62.

XX. Error in admitting in evidence the deed of J. B. Haggin to the defendant for land on Kern River at the point where the defendant took water from such river, no title being shown in Haggin. (Tr., Vol. 4, fol. 1608.)

Points and Authorities, p. 63.

XXI. Error in permitting Carr to testify to a conversation he had with O. P. Calloway in July, 1875, in relation to the construction of the Calloway Canal. (Tr., Vol. 4, fol. 1654.)

Points and Authorities, p. 63.

Errors complained of in refusing to permit plaintiffs and appellants to give certain evidence in rebuttal.

(a) Error in refusing to permit the four surveyors, George W. and Seth Smith, E. T. Wright and F. P. McCray, to testify fully in relation to the level line run by them across Secs. 8, 9, 10 and 11 in Tp. 29 S., R. 23 E., along the same line run by Macmurdo and Fillebrown (Tr., Vol. 5, fols. 8–13–31–32–33–35–43–44–93–141); and in refusing to admit in evidence the profile of such survey made by them with the word slough on it at such points as they found sloughs running across the line run by them. (Tr., Vol. 5, fol. 41.)

[See assignment of Error No. 124 to 135, Tr., Vol. 5, fols. 867 to 873.]

Points and Authorities, pp. 70 to 92 and 335 to 343.

McAllister's Oral Argument, p. 20–23;

Brief in Reply on Rehearing, pp. 2–22.

(b) Error in refusing to permit plaintiffs to show result of cross section of Buena Vista Slough at the De Weber Road Crossing. (Assignment of Error Nos. 136–7–8 and 142, Tr., Vol. 5, fols. 873–5.

Tr., Vol. 5, fols. 110, 122 and 142;

Points and Authorities, pp. 70 to 92.

Brief in Reply, Part II, pp. 297–9;

McAllister's Oral Argument, pp. 1 to 32;

Brief in Reply on Rehearing, pp. 2–22.

(c) Error in refusing to permit plaintiffs to show by the witnesses McCray, Estee, Huntley, Beard, Noble, Stoutenburgh, Sturgeon and Burgan, that they had followed all lines run by defendants' witnesses across the swamp land along Buena Vista Slough, and all crossings made by them, and on each side of such lines, and to testify as to what they found on such lines and to the sides of them. (Assignment of Errors, Nos. 143, 144, 147, 150, Tr., Vol. 5, fols. 878–882).

Tr., Vol. 5, fol. 190.
Points and Authorities, pp. 70 to 92;
Brief in Reply, Part II, pp. 297–9;
McAllister's Oral Argument, pp. 16–20;
Brief in Reply on Rehearing, pp. 2–22.

(d) Error in refusing to permit Messrs. McCray, Huntley and Beard to show that they went down Buena Vista Slough from Wible's headquarters to Bonestell's—Sec. 24, T. 29 S., R. 23 E.—a few days after defendants' witnesses had followed it, and to testify as to its condition, and width, depth and amount of water running in it. (Assignments of Errors, 145 and 151, Tr., Vol. 5, fols. 879 and 881–2).

Tr., Vol. 5, fol. 191.
Points and Authorities, pp. 70 to 92;
Brief in Reply, Part II, pp. 297–9;
McAllister's Oral Argument, pp. 24–27;
Brief in Reply on Rehearing, pp. 2–22.

(e) Error in refusing leave to plaintiffs to show by Mr. Estee that before the trial of the case was closed water was running down a well-defined channel for from three and a half to four miles north of the Tule House, or to the extreme northern end of plaintiffs' land. (Tr., Vol. 5, fols. 186–7).

Points and Authorities, pp. 82–8.

(f) Error in refusing to permit Estee, who acted as guide for four of defendants' witnesses when they crossed the body of swamp land along Buena Vista Slough to the Round Corral, to testify as to what he saw and what took place during the time they were crossing. (Tr., Vol. 5, fol. 1825).

Points and Authorities, pp. 70 and 85;
Brief in Reply, Part II, pp. 297–9;
McAllister's Oral Argument, p. 30.

(g) Error in refusing to permit Wills to testify fully as to what he saw and what took place while he was acting as a guide in taking a party of six of defendants' witnesses across the Buena Vista Slough land, and to testify as to why they turned back. (Tr., Vol. 5, fols. 207–10).

Points and Authorities, pp. 85–89;
Brief in Reply, Part II, pp. 297–9;
McAllister's Oral Argument, pp. 31–2;
Brief in Reply on Rehearing, pp. 9–22.

(h) Error in refusing to permit the witnesses' Nettie and Lottie Barker, to testify as to the gauge readings made by them of water flowing down Kern River from March 23, 1879, to June, 1881 (Tr., Vol. 5, fols. 241–3), and refusing to permit the witness, Schuyler, to testify as to the volume of water flowing in the river during the years 1879–80–81. (Tr., Vol. 5, fols. 411–12.)

Points and Authorities, pp. 89–91.

(i) Error in refusing leave to plaintiffs to show by the witnesses, Judd, Garlick, Ober and Dixon, that, at different times in 1879, a wing dam was thrown across Kern River at the head of the defendants' canal, that threw all the water running in Kern River into the defendants' canal. (Tr., Vol. 5, fol. 245.)

Points and Authorities, p. 92.

(j) Error in refusing plaintiffs' offer to show by the witness, John Morter, that in July, 1880, he crossed the defendants' canal and found it running full, and that he crossed Kern River on the same day a few miles below, at the Pioneer Bridge, and at that point there was no running water. (Tr., Vol. 5, fol. 248.)

Points and Authorities, p. 92.

(k) Error in refusing to admit in evidence the certificates of purchase for lands for which plaintiffs had put in evidence patents from the State of California. (Tr., Vol. 5, fols. 256–8 and 388.)

Points and Authorities, pp. 92–6; pp. 27–48;
Brief in Reply, Part II, pp. 27–48;
McAllister's Oral Argument, pp. 32–61;
Brief in Reply on Rehearing, pp. 23–46.

(l) Error in refusing to permit plaintiffs to show by C. Brower, Secretary of the numerous canal companies taking water from Kern River, that Messrs. Haggin & Carr, at the time the suit was commenced, and ever since, had owned the majority of the stock in such companies, and controlled the same. (Tr., Vol. 5, fols. 389–392.)

See Assignments of Error, 191 to 199, Tr., Vol. 5, fols. 894 to 900.
Points and Authorities, pp. 96–7–8.

(m) Error in refusing plaintiffs' leave to show who irrigated lands from the different canals along Kern River, and the number of acres irrigated, to meet the testimony of Walter James, who had testified fully as to such facts, and refusal to admit in evidence the statistics kept by witness L. L. Dixon, when acting as Deputy State Engineer. (Tr., Vol. 5, fols. 419–20, and 428–9 and 430.)

Points and Authorities, pp. 98–102.

Insufficiency of the evidence to justify the findings.

Rules established by the decisions of this Court, governing the granting of a new trial when the findings are attacked as not being justified by the evidence.

Brief in Reply, Part I, pp. 13–17.

First and Second. As to 2d finding.

Specification, Tr., Vol. 5, fols. 905–8;
Points and Authorities, pp. 103–109;
Brief in Reply, Part I, pp. 18–55;
Brief in Reply on Rehearing, pp. 29, 46.

Third. As to 3d finding.

Specification, Tr., Vol. 5, fols. 908–11;
Points and Authorities, pp. 335–387;
Brief in Reply, Part I, pp. 56–304.

The reference to evidence in these pages (56 to 304) takes the place of our Points and Authorities, pages 109 to 335, as we only gave in the Points and Authorities the substance of the evidence. In our Brief in Reply we give the evidence just as it is printed in the Transcript, and place in margin the folios.

Brief in Reply on Rehearing, pp. 73–5.

Fourth. As to 4th finding.

Specification, Tr., Vol. 5, fols. 911–12.

Fifth. As to 5th finding.

Specification, Tr., Vol. 5, fols. 913–18.

Sixth. As to 7th finding.

Specification, Tr., Vol. 5, fols. 918–20;
Points and Authorities, p. 396;
Brief in Reply, Part I, p. 352.

Seventh. As to 8th finding.

Specification, Tr., Vol. 5, fols. 920–23;
Points and Authorities, p.

Eighth. As to 9th finding.
Specification, Tr., Vol. 5, fols. 923–6;
Points and Authorities, pp. 396–7;
Brief in Reply, Part I, p. 352.

Ninth. As to 11th finding.
Specification, Tr., Vol. 5, fol. 927;
Points and Authorities, pp. 397 to 400;
Brief in Reply, Part I, pp. 345–7.

Tenth. As to 12th finding.
Specification, Tr., Vol. 5, fols. 928–9.

Eleventh. As to 13th finding.
Specification, Tr., Vol. 5, fols. 929–31.

Twelfth. As to 14th finding.
Specification, Tr., Vol. 5, fols. 931–3.

Thirteenth. As to 15th finding.
Specification, Tr., Vol. 5, fols. 933–5;
Points and Authorities, p. 400;
Brief in Reply, Part I, pp. 325–6, 347–51.

Fourteenth. As to 16th finding.
Specification, Tr., Vol. 5, fols. 936–41.

Fifteenth. As to 17th finding.
Specification, Tr., Vol. 5, fols. 941–3.

Sixteenth. As to 18th finding.
Specification, Tr., Vol. 5, fols. 943–5;
Points and Authorities, p. 401.
Brief in Reply, Part I, pp. 232–289.

Seventeenth. As to 20th finding.
Specification, Tr., Vol. 5, fol. 945:
Brief in Reply, Part I, pp. 326–7.

Eighteenth. As to 21st finding.
Specification, Tr., Vol. 5, fol. 946.

Nineteenth. As to 22d finding.
Specification, Tr., Vol. 5, fols. 946–8;
Points and Authorities, p. 401;
Brief in Reply, Part I, p. 326–7.

Twentieth. As to 23d finding.
Specification, Tr., Vol. 5, fols. 948–51;
Points and Authorities, pp. 401–2;
Brief in Reply, Part I, p. 327.

Twenty-first. As to 24th finding.
Specfication, Tr., Vol. 5, fols. 951–2;
Points and Authorities, pp. 402–3;
Brief in Reply, Part I, pp. 327–8.

Twenty-second. As to 25th finding.
Specification, Tr., Vol. 5, fols. 953–4;
Points and Authorities, p. 403;
Brief in Reply, Part I, pp. 327–8.

Twenty-third. As to 26th finding.
Specification, Tr., Vol. 5; fols. 954–5;
Points and Authorities, p. 403;
Brief in Reply, Part 1, pp. 327–8.

Twenty-fourth. As to 27th finding.
Specification, Tr., Vol. 5, fols. 956-9;
Points and Authorities, p. 403;
Brief in Reply, Part I, pp. 327–8.

Twenty-fifth. As to 28th finding.
Specification, Tr., Vol. 5, fols. 957–9;
Points and Authorities, p. 404;
Brief in Reply, Part I, pp. 328–336.

Twenty-sixth. As to 30th finding.
Specification, Tr., Vol. 5, fols. 959–61;
Points and Authorities, p. 405.

Twenty-seventh. As to 31st finding.
Specification, Tr., Vol. 5, fols. 961–2;
Points and Authorities, p. 405.

Twenty-eighth. As to 33d finding.
Specification, Tr., Vol. 5, fols. 962–3;
Points and Authorities, p. 405;
Brief in Reply, Part I, pp. 343 and 352.

Twenty-ninth. As to 34th finding.
Specification, Tr., Vol. 5, fols. 964–5;
Points and Authorities, p. 405;
Brief in Reply, Part I, pp. 343 and 352.

Thirtieth. As to 35th finding.
Specification. Tr., Vol. 5, fols. 965–7;
Points and Authorities, p. 406;
Brief in Reply, Part I, pp. 328–336.

Thirty-first. As to 36th finding.
Specification, Tr,, Vol. 5, fols. 967–9;
Points and Authorities, p, 406;
Brief in Reply, Part I, p. 337.

Thirty-second. As to 37th Finding.
Specification, Tr., Vol. 5, fols. 969–70;
Points and Authorities, p. 407;
Brief in Reply, Part I, pp. 352 and 358.

Thirty-third. As to 38th finding.
Specification, Tr., Vol. 5, fols. 970–1;
Points and Authorities, p. 407.

Thirty-third and a half. As to 40th finding.
Specification, Tr., Vol. 5, fol. 972;
Points and Authorities, pp. 407–8;
Brief in Reply, Part I, p. 352.

Thirty-fourth. As to 43d finding.
Specification, Tr., Vol. 5, fols. 972–4;
Points and Authorities, p. 408;
Brief in Reply, Part I, pp. 337–8.

Thirty-fifth. As to 45th finding.
Specification, Tr., Vol. 5, fol. 975;
Points and Authorities, pp. 408–9;
Brief in Reply, Part I, p. 338.

Thirty-sixth. As to 46th finding.
Specification, Tr., Vol. 5, fol. 976;
Points and Authorities, pp. 408–9;
Brief in Reply, Part I, p. 338.

Thirty-seventh. As to 47th finding.
Specification, Tr., Vol. 5, fol. 977;
Points and Authorities, pp. 408-9;
Brief in Reply, Part II, p. 338.

Thirty-eighth. As to the 48th finding.
Specification, Tr., Vol. 5, fols. 978–9;
Points and Authorities, p. 408–9;
Brief in Reply, Part I, p. 339.

Thirty-ninth. As to 49th finding.
Specification, Tr., Vol. 5, fols. 979–80;
Points and Authorities, pp. 408–9;
Brief in Reply, Part I, p. 339.

Fortieth. As to 50th finding.
Specification, Tr., Vol. 5, fols. 981–2;
Points and Authorities, p. 409.

Forty-one. As to the 51st finding.
Specification, Tr., Vol. 5, fol. 982–6;
Points and Authorities, p. 410;
Brief in Reply, Part I, pp. 311–316.

Forty-second. As to 52d finding.
Specification, Tr., Vol. 5, fols. 986–7;
Points and Authorities, p. 410.

Forty-second and a half. As to 55th finding.
Specification, Tr., Vol. 5, fol. 988;
Points and Authorities, pp. 410–11;
Brief in Reply, Part I, pp. 317–21.

Forty-third. As to 56th finding.
Specification, Tr., Vol. 5, fols. 989–90;
Points and Authorities, p. 411;
Brief in Reply, Part I, p. 321–23.

Forty-fourth. As to 57th finding.
Specification, Tr., Vol. 5, fols. 990–3;
Points and Authorities, pp. 411–12;
Brief in Reply, Part I, pp. 323–4.

Forty-fifth. As to 60th finding.
Specification, Tr., Vol. 5, fols. 993–4;
Points and Authorities, p. 412.

Forty-sixth. As to 61st finding.
Specification, Tr., Vol. 5, fols. 994–5;
Points and Authorities, pp. 412–13.

Forty-seventh. As to 62d finding.
Specification, Tr., Vol. 5, fol. 995;
Points and Authorities, p. 413;
Brief in Reply, Part I, p. 352.

Forty-eighth. As to 63d finding.
Specification, Tr., Vol. 5, fols. 996–1002;
Points and Authorities, pp. 413–14;

Forty-ninth. As to 64th finding.
Specification, Tr., Vol. 5, fols. 1002–4;
Points and Authorities, p. 414;

Fiftieth. As to 65th finding.
Specification, Tr., Vol. 5, fols. 1004–8;
Points and Authorities, p. 414.

Fifty-first. As to 66th finding.
Specification, Tr., Vol. 5, fols. 1008–10;
Points and Authorities, p. 414.

Fifty-second. As to 68th finding.
Specification, Tr., Vol. 5, fols. 1010–12;
Points and Authorities, p. 415;
Brief in Reply, Part I, p. 352;
McAllister's Oral Argument, pp. 68–72.
Brief in Reply on Rehearing, pp. 56–62.

Fifty-third. As to 69th finding.
Specification, Tr., Vol. 5, fols. 1012–15;
Points and Authorities, p. 415;
Brief in Reply, Part I, p. 352;
McAllister's Oral Argument, pp. 68–72;
Brief in Reply on Rehearing, pp. 56–62.

Fifty-fourth. As to 70th finding.
Specification, Tr., Vol. 5, fols. 1016–18;
Points and Authorities, p. 415.

Fifty-fifth. As to 71st finding.
Specification, Tr., Vol. 5, fols. 1018–1025;
Points and Authorities, p. 416.

Fifty-sixth. As to 72d finding.
Specification, Tr., fols. 1025–29;
Points and Authorities, p. 416.

Fifty-seventh. As to 73d finding.
Specification, Tr., Vol. 5, fols. 1029–30;
Points and Authorities, pp. 416–17;
Brief in Reply, Part I, p. 352.

Fifty-eighth. As to 74th finding.
Specification, Tr., Vol. 5, fols. 1030–1;
Points and Authorities, pp. 416–17;
Brief in Reply, Part I, p. 352.

Fifty-ninth. As to 75th finding.
Specification, Tr., Vol. 5, fols. 1031–5;
Points and Authorities, pp. 417–19;
Brief in Reply, Part I, p. 352.

Sixtieth. As to 76th finding.
Specification, Tr., Vol. 5, fols. 1035–7;
Points and Authorities, pp. 419–22;
Brief in Reply, Part I, pp. 339–40.

Sixty-first. As to 77th finding.
Specification, Tr., Vol. 5, fols. 1037–9;
Points and Authorities, p. 422;
Brief in Reply, Part I, pp. 340–2.

Sixty-second. As to 78th finding.
Specification, Tr., Vol. 5, fols. 1039–43;
Points and Authorities, p. 422.

Sixty-third. As to 79th finding.
Specification, Tr., Vol. 5, fols. 1044–8;
Points and Authorities, pp. 387–396;
Brief in Reply, Part I, pp. 353–7.

Sixty-fourth. As to 80th finding.
Specification, Tr., Vol. 5, fols. 1048–50.

The judgment must be reversed for want of findings on material issues.
Brief in Reply on Rehearing, p. 93 and following.

The judgment must be reversed, as the findings are inconsistent and contradictory.
Points and Authorities, pp. 423–5.
Brief in Reply on Rehearing, pp. 82–8.

Plaintiffs have not been guilty of laches in asserting their rights.
Points and Authorities, pp. 427–8.

The Act of Congress of July 26, 1866, in no manner affects the rights of plaintiffs.
Points and Authorities, p. 429.

ARGUMENTS AND AUTHORITIES.

Alleged superior right of the doctrine of appropriation.

Brief in Reply, Part II, pp. 2 to 26.

The common law doctrine of riparian rights.

Brief in Reply, Part II, pp. 48–79;

The common law California adopted.

Brief in Reply, Part II, pp. 82–91.
Brief in Reply, Part II, pp. 283–297.

The civil law as to riparian rights.

Brief in Reply, Part II, pp. 79–82.

Federal Decisions and Statutes upon the question of water rights.

Brief in Reply, Part II, pp. 91–101.

Mining customs and usages prior to September 28, 1850, date of grant of swamp and overflowed lands to State of California.

Brief in Reply, Part II, pp. 101–119.

The United States had no power over the swamp and overflowed lands in California after it was granted to the State by the Act of Congress of September 28, 1850.

Brief in Reply, Part II, pp. 119–130;
Brief in Reply, Part II, pp. 207–217;
Points and Authorities, pp. 429–30;
Brief in Reply on Rehearing, pp. 39–40.

Alleged duty of reclamation by swamp land grantees.

Brief in Reply, Part II, pp. 130–143;
Brief in Reply on Rehearing, pp. 67–73.

Decisions of the Supreme Court of California as to riparian rights and as to water rights by appropriation.

Brief in Reply, Part II, pp. 144–162.

State legislation as to acquisition of water rights by appropriation.

Brief in Reply, Part II, pp. 162–169.

The Civil Code provisions relating to water rights.

Brief in Reply, Part II, pp. 169–176.

Attempt to repeal the provisions of the Civil Code as to riparian rights.

Brief in Reply, Part II, pp. 177–180.

What is a watercourse?

Brief in Reply, Part II, pp. 180–197;
Brief in Reply, Part II, pp. 258–269;
Brief in Reply, Part I, pp. 331–336.

No outlet for the water of Kern River and Kern and Buena Vista Lakes, except through Buena Vista Slough.

Brief in Reply, Part II, pp. 197–206.

Pretended rights of defendant as licensee of U. S. Government.

Brief in Reply, Part II, pp. 217–227.

No necessity of an action at law to establish the rights of plaintiff before aid of a Court of equity can be invoked.

Brief in Reply, Part II, pp. 228–237.

Estoppel. Laches.

Brief in Reply, Part II, pp. 237–250;
McAllister's Oral Argument, pp. 61–79;
Brief in Reply on Rehearing, pp. 55–67.

The Kern Valley Canal.

Brief in Reply, Part II, pp. 250–258;
McAllister's Oral Argument, pp. 61–97;
Brief in Reply on Rehearing, pp. 55–67.

Authorities cited by counsel for defendant on point that this Court can disregard the common law rule governing water rights, if in its opinion such rule is not adapted to the physical condition and wants of California.

Brief in Reply, Part II, pp. 269–283.

The physical characteristics of California do not require or demand that this Court should disregard the statute adopting the common law as the rule of decision in this State; and if so, can this Court adopt some other rule that it thinks is more equitable?

Brief in Reply, Part II, pp. 300–325.

This Court has no power to adopt any other rule than that established by the common law governing water rights.

Brief in Reply, Part II, pp. 325–335.

Rulings of the Judge of the Superior Court excepted to by plaintiffs, and upon which they rely on this appeal from the judgment entered in this case.

Brief in Reply, Part II, pp. 297–299;
Brief in Reply, Part I, pp. 344–5.

This Court will take judicial notice of the source and courses of Kern River.

Brief in Reply, Part I, pp. 297–8.

Setting aside a finding (11th) in favor of plaintiff and substituting one in faver of defendant, after the findings were signed and filed.

See bill of exceptions on motion of plaintiffs to strike from files the amended finding. (Tr., Vol. 1, pp. 122–7.)

Brief in Reply, Part I, pp. 306 7.

Photographic copy of maps 2 and 3, showing crossings made by defendants' witnesses across the swamp land along Buena Vista Slough.

The map is annexed to our brief in reply.

It is described,

Brief in Reply, Part I, pp. 359–65.

Service of a copy of the within
Order is hereby admitted
this 24th day of June, 1885.

Louis T. Haggin
Atty for
Respondent